

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE:
Clara Pena and Rafael Pena
Debtor

CHAPTER 7
CASE NO. 11- 12625-ANV

MOTION TO TERMINATE LOSS MITIGATION ORDER

Now Comes CitiMortgage, Inc. and respectfully requests that this Court terminates the Loss Mitigation Period and vacate the order granting the Loss Mitigation Request. In support thereof, CitiMortgage, Inc states as follows:

1. On August 9, 2011, CitiMortgage, Inc. contacted debtor's counsel via e-mail and provided a modification package and instructions to complete the package for modification review. The requested items included:
 - Signed and dated hardship letter
 - Two full months worth of pay advices
 - Award letter for unemployment/SSI statement/Disability
 - Signed and dated letter from family member if debtors receive family contribution
 - Family member's financial documents if debtors receive family contribution
 - Two recent bank statements
 - CitiMortgage, Inc.'s financial review worksheet
 - Copy of 09 and 2010 tax return for each borrower if not filed jointly
 - 4506 T EZ
 - RMA application
 - Form 1021 – Hardship Affidavit
 - Utility Bills
 - Rental Agreement, signed and dated letter from tenants with rent amount
 - Dodd-Frank Certification
2. On August 25, 2011, Counsel for Debtors provided an incomplete package for review. Documents provided were:
 - RMA application
 - List of household expenses
 - Incomplete 4506T EZ
 - Dodd Frank Certificate
 - Hardship letter
 - One pay stub dated July 10, 2011
 - Citizens' Bank statements cover month of June to August
 - Sovereign's Bank statements cover month of June to August
3. On August 25, 2011, debtor's counsel was contacted via e-mail and provided a list of missing items needed in order for the review to begin. Debtors' counsel was advised all missing documents must be provided by September 13, 2011. Said list of items are as follows:

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- Two full months of pay advices to support income reported on RMA
- Copy of award letter for unemployment benefit received by debtor
- Two recent bank statements for June to August 2011 showing unemployment benefit being deposited
- CitiMortgage, Inc.'s financial review worksheet
- Copy of 2009 and 2010 tax return
- Completed 4506 T EZ
- Utility Bills

4. As of today, items requested have not been returned.

WHEREFORE, CitiMortgage, Inc. respectfully requests that this Court vacate the order granting Loss Mitigation which entered on July 15, 2011 as the Debtor has failed to comply with the Court Order requiring document requests to be provided within fourteen (14) days. CitiMortgage, Inc. requests permission to assess the Debtors' account \$500.00 in legal fees for its participation in the Loss Mitigation Program and the preparation of its Motion to Terminate Loss Mitigation Order.

CitiMortgage, Inc.
By Lender's attorney,

/s/ Elizabeth A Loanrdo
Elizabeth A Loanrdo, Esquire
RI #7714
HARMON LAW OFFICES, P.C.
P.O. Box 610345
Newton Highlands, MA 02461-0345
781-292-3900
ribk@harmonlaw.com

Dated: September 14 , 2011

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CERTIFICATE OF SERVICE

I, Elizabeth A Loanrdo, Esquire, state that on September 14 , 2011, I electronically filed the foregoing Motion with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Andrew S. Richardson, Esquire, Esquire, Chapter 7 Trustee
Gary L. Donahue, Esquire, Assistant U.S. Trustee
John B. Ennis, Esquire for the Debtor

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Elizabeth A Lonardo

Elizabeth A Lonardo, Esquire
RI # 7714

Clara Pena
9 Autumn Street
Providence, RI 02905

Rafael Pena
9 Autumn Street
Providence, RI 02905
201107-1408